

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 22, 23, and 27 have been amended, and claim 24 has been canceled. Support for the amendments is provided at least in paragraphs 50, 64, and 65 of the specification.

Claims 22-24 and 27 were rejected, under 35 USC §103(a), as being unpatentable over Baum et al. (US 6,385,462) in view of Parkvall et al. (US 6,542,736) and Laakso et al. (US 6,603,773). To the extent these rejections may be deemed applicable to amended claims 22, 23, and 27, the Applicants respectfully traverse based on the points set forth below.

Claim 22 now defines a communication terminal apparatus that receives transmit power information for a control channel and a data channel from a base station apparatus. The communication terminal apparatus estimates, based on the received transmit power information and the measured quality of the received control channel signal, the reception quality, at the communication terminal apparatus, of the data channel signal.

The Office Action acknowledges that Baum does not disclose a communication apparatus that estimates the reception quality, at the communication apparatus, of a data channel based on transmit

power information of the control and data channels and its measured quality of the received control channel signal (see Office Action page 3, lines 7 and 9-11). To overcome this deficiency, the Office Action proposes that Laakso discloses these features (see Office Action page 3, line 15, through page 4, line 2).

The Applicants note that Laakso discloses a communication apparatus that varies the ratio of transmission power applied to control bits and data bits within a communication frame in accordance with the quality of a received power control command signal and information within the power control command (see Laakso col. 3, line 62, through col. 4, line 5, and col. 11, lines 39-59). Based on this disclosure, the Office Action seems to propose that a variable transmit power applied to Laakso's data signal determines how well the data signal will be received by a communication partner (see Office Action page 3, last line, through page 4, line 2).

However, a communication apparatus that varies the power applied to a data signal to affect the signal's quality of reception by a communicating party is not the same as, or similar to, the Applicants' claimed feature of a communication apparatus that estimates the quality of a data signal that it receives. Laakso's communication apparatus does not estimate the reception

quality of a data signal that it receives based on the quality of a control signal that it receives and received information of the transmit power values for the data and control signals, as does the claimed communication apparatus. And Parkvall is not cited for supplementing the teachings of Baum and Laakso in this regard.

Accordingly, the Applicants submit that the applied references, considered individually or in combination, do not render obvious the subject matter defined by claim 22 directed to a communication terminal apparatus that receives transmit power information for a control channel and a data channel from a base station apparatus. The communication terminal apparatus estimates, based on the received transmit power information and the measured quality of the received control channel signal, the reception quality, at the communication terminal apparatus, of the data channel signal.

Independent claim 27 similarly recites the above-mentioned features distinguishing apparatus claim 22 from the applied references, but with respect to a method.

Therefore, allowance of claims 22 and 27 and dependent claim 23 is deemed to be warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



James E. Ledbetter
Registration No. 28,732

Date: September 5, 2007
JEL/DWW/att

Attorney Docket No. L9289.02131
STEVENS DAVIS, MILLER & MOSHER, L.L.P.
1615 L Street, N.W., Suite 850
P.O. Box 34387
Washington, D.C. 20043-4387
Telephone: (202) 785-0100
Facsimile: (202) 408-5200